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Remarks

In view of the following discussion, the Applicant submits that none of the claims now pending in the application are non-enabling, anticipated, or obvious under the respective provisions of 35 U.S.C. §§ 112, 102 or 103. Thus, the Applicant believes that all of these claims are now allowable.

It is to be understood that the Applicant, does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Further, Applicant does not acquiesce to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing this Response.

Applicant gratefully acknowledges the Examiner's indication of allowable material with respect to objected to claims 14-19.

Rejection Of Claims Under 35 U.S.C. §103

The Examiner has rejected claims 1-18 under 35 U.S.C. §103 as being obvious and unpatentable over US Patent No. 4,899,337 issued February 6, 1990 to Hirai (hereinafter Hirai). Specifically, the Examiner has indicated with regards to claims 1 and 6 that Hirai teaches a node for grooming low capacity client signals into a high capacity signal, and an interface to a high capacity trunk for coupling to a type 1 node, and an interface to a high capacity trunk for coupling to a type 2 node. However, the Examiner indicates that Hirai does not expressly call for the aspect of only a portion of low capacity client signals destined to a type 1 node being groomed into a high capacity trunk to the type 2 node. Additionally, the Examiner offers that Hirai teaches that low capacity signals 21 are sent over a high speed trunk line 23 to a type 1 node until the sum of the low speed signals 21 is greater than the capacity of high speed trunk line 23 at which time a call control unit sends the excess signals 21 over a second high capacity trunk line 24. Thus, the Examiner concludes that it would have

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been obvious to one of ordinary skill in the art at the time of the invention to have low capacity signals 21 sent over high speed trunk lines 23 and the excess sent over a high speed trunk line 24.

With regards to independent method claim 14, the Examiner indicates that Hirai teaches various elements of the claim. However, the Examiner indicates that Hirai did not expressly call for a first node or a second node but does teach two high capacity trunk lines 23 and 24 respectively. Thus, the Examiner concludes it would have been obvious to one of ordinary skill in the art at the time of the invention that high capacity trunk line 23 performs the same function as a type 1 node and high capacity trunk line 24 performs the same function as a type 2 node. The rejection is respectfully traversed.

The Examiner indicates that Hirai discloses various claim elements including an interface to high capacity trunk for coupling to a type 1 node and an interface to a high capacity trunk for a coupling to a type 2 node. In response, Applicant respectfully submits that the Examiner has not fully understood or appreciated the claimed invention. Specifically, the Examiner is correct in that Hirai does not teach "wherein only a portion of the low capacity client signals destined for a type 1 node are groomed into the high capacity trunk to the type 2 node", but it is respectfully submitted that one skilled in the art would not arrive at the suggestion to perform such action or have a node that is capable of directing such low capacity client signals in the matter claimed by passing an excess of said low capacity signals over a secondary high speed trunk line (such as that offered as 24 of Hirai). Specifically, the Examiner has not properly appreciated the distinction of a recitation of a type 1 node and a type 2 node in the subject invention. This distinction was made in the claims to indicate that each of the trunks has a separate destination. For example, as shown in Applicant's specification, the type 1 node is in one example a cable station 520 while the type 2 node is a central office. This is distinctly different from Hirai because, as per FIG. 4 of Hirai, it is easy to see that both the high speed digital network 25 and the ISDN network 26 passing signals along trunk lines 23 and 24

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respectively eventually both terminate at STDM11, that is the second occurrence of STDM11 on the right hand side of FIG. 4. Accordingly, it is respectfully submitted that there is no disclosure, teaching or suggestion of two high capacity trunk lines emerging from corresponding interfaces that are coupled to two different nodes, or types of nodes, as claimed.

The prior art merely makes use of a parallel network (the ISDN 26) when additional bandwidth is required when sending data along the high speed digital network 25. The subject invention solves this problem in a distinctly different manner. Specifically, the subject invention provides for connections (interfaces) to two different types of nodes, which thereby allows low capacity signals to be channeled directly to their destination via the high capacity trunk for coupling to the type 1 node while allowing a portion of such signals, if necessary to travel along the second high capacity trunk line to the type 2 node and eventually back to the type 1 node, again if necessary. Since the cited reference does not allow or suggest a second type of node that the groomed low capacity client signals can be passed to, it is respectfully submitted that the Examiner has not met the prima facie case of obviousness. Accordingly, it is respectfully submitted that independent claims 1, 6 and 14 are patentable under the statute.

Furthermore, claims 2-5, 7-10 and 15-18 depend, either directly or indirectly, from independent claims 1, 6 and 14 and recite additional features thereof. As such and for at least the same reasons as discussed above, Applicant submits that these dependent claims are also not obvious and fully satisfy the requirements under 35 U.S.C. § 103 and are patentable thereunder. Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

The rejection to claims 11-13 are deemed as moot as these claims have been cancelled from the application.

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Conclusion

As such, the Applicant submits that claims 1-10 and 14-18 are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Eamon J. Wall or Mr. Joseph Pagnotta at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

December 16, 2004


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